

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.28 OF 2001**

Kaniyalal Jehalal Pujara ...Applicant

Vs.

Jitendra Raichand Kothari & Ors. ...Respondents

Shri A.S.Shitole, A.P.P for the State.

**CORAM : A. S. OKA, J.
DATE : OCTOBER 13, 2006.**

P.C.:

1. This Revision Application has been filed by party in person. The office remark on the Farad Sheet reads thus:

"Note:

. Letter issued for removal office objection at temporary address of C-18, Shankar Vijay Rajawadi, Ghatkopar (E), Mumbai to Petitioner-in-person. The same is received back unserved with remark "unclaimed". His permanent address 53, Salop Road, Walthamstow, London."

Perusal of the IInd Part shows that the office remark is not fully correct. On 18th September, 2001, the Deputy Registrar issued a letter to the Applicant at

his temporary address in Mumbai set out in the cause-title of the Revision Application. By the said letter, the Applicant was informed that following objection was not removed by the Applicant; "Copy not served to P.P.". The postal envelope of the said letter shows that the same was received with the remarks "intimation posted" and "unclaimed". However, I find that on 09th October, 2001 a similar letter was sent by the Deputy Registrar to the Applicant. Reply dated 21st October, 2001 sent by the Applicant to the said letter dated 09th October, 2001 is on record. In the said reply the Applicant admitted that he has not furnished a copy of the Revision Application to the Public Prosecutor. He, however, stated that there is some typing error in the Application. The said letter indicates that the Applicant was made aware that he was required to remove office objection and that the Applicant understood the nature of office objection. Till today office objection is not removed by the Applicant. Hence, dismissed for want of prosecution.

2. The aforesaid noting made on Farad Sheet is signed by two officers on 01st July, 2006 and 11th July, 2006. It was the duty of the office to disclose all the aforesaid facts in the noting. The concerned

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staff members to submit explanation in writing as to why the aforesaid aspects were not noted on the Farad Sheet.

JUDGE